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01/19/2000 09:50 AM

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cc:

Subject: Colorado River delta lawsuit

FYI, In case you have not seen the details yet. Our conference call on Friday 8am - 9 am will be feedback from my HQ OFA counterparts on the interagency meeting they attended regarding this lawsuit.

ps - Does anyone know how to run our speaker phones in the conference rooms? (I have not done such an extensive call before). I need to hook in the folks in DC, plus Wendy and perhaps Kevin from two other phones. Do I need to patch in everyone from our phone? If you have instructions or can help, please let me know! Thanks.

----- Forwarded by Laura Fujii/R9/USEPA/US on 01/19/2000 09:43 AM -----


Leonidas Payne
01/06/2000 05:28 PM

To: Laura Fujii/R9/USEPA/US@EPA

cc:

Subject: Colorado River delta

Have you seen this? I pulled this off the Center for Biological Diversity website:

BI-NATIONAL COALITION TO SUE FEDS OVER DESTRUCTION OF COLORADO RIVER DELTA, CIENEGA DE SANTA CLARA, AND ENDANGERED SPECIES

12/16/99

On 11-15-99 a binational coalition of 14 environmental groups officially informed a host of U.S. Federal agencies including the Bureau of Reclamation, U.S. Fish & Wildlife Service, Army Corps of Engineers, National Marine Fisheries Service, Department of State, and the International Boundary and Water Commission, that it will file suit to protect endangered species on the Colorado River and its massive delta on the Gulf of California in Mexico. The agencies are responsible for the degradation of riverside forests, and the near total destruction of the Delta. The Cienega de Santa Clara is also threatened by government plans to divert its water source for use in the U.S. So much water is currently dammed and diverted from the Colorado River for urban and agricultural uses that it often runs dry before reaching the delta and Gulf of California. Lack of fresh water has severely degraded what used to be one the world's great estuaries. Native peoples as well as fish, birds, mammals and mollusks have all been impacted, as have fisheries in the northern Gulf.

Endangered species being driven to extinction by over-allocation of the river include the Yuma clapper rail, Southwestern willow flycatcher, Totoaba (a huge marine fish), Vaquita (a porpoise), and the Desert pupfish.

Joining the Center and Defenders of Wildlife on the notice were the American Humane Association, Asociación Ecológica de Usuarios del Río Hardy-Colorado, Biodiversity Legal Foundation,

Bradshaw Mountain Wildlife Association, Centro Regional de Estudios Ambientales y Socioeconomicos, Earth Island Institute, El Centro de Derecho Ambiental y Integración Económica del Sur, A.C., El Centro de Estudios de Desierto y Océanos, Forest Guardians, The Humane Society of the United States, In Defense of Animals, the Sierra Club, and Southwest Toxic Watch.

- filed 12/15/99? on Web site
- EPA not defendant but contacted Joe M. - (David Randolph)
- Rec/DoI/State/USFWS/DOJ/Commerce/AEC
- BWC Secretary gave briefing on issues (Ibarra)
 - layout alternative approach to discuss w/ litigants
 - ① - EIS - surplus CO water → looking at delta impacts
 - ② - pursue discussions with Mexico on using surplus for delta ~~ESA issues~~ ^{ESA issues} - may be BRec
- ~~1st~~ 4th working group on ~~delta impacts~~
- allocations → treaty obligations / ESA issues - national and transboundary
- need coordination with Mexico regarding water retrading
- reaching delta - Mexican government may be interested in elevating issues
- Surplus Criteria will be important issue - BRec will decide alternatives from conservative - drawdown approach in EIS (March 2000)
- FWS - negotiate pilot allocation and assess impacts ~ 50,000 acre-feet
- DOI - lead agency
- part of suit states that BRec has failed to consider NEPA in its ongoing operations → NEPA
- EPA supports analysis of crossborder impacts (CEQ guidance) ^{considerations}

- EPA stated in 7/99 that the ~~MSCP~~ ^{MSCP} should look at the whole basin → change US allotment to address delta issue
- EPA will have an opportunity to see brief prepared